

1 DICKINSON WRIGHT PLLC  
1850 North Central Avenue, Ste. 1400  
2 Phoenix, Arizona 85004  
(602) 285-5000

3 HUGHES HUBBARD & REED LLP  
4 One Battery Park Plaza  
New York, New York 10004  
5 (212) 837-6000

6 Attorneys for Defendants Uranium Energy  
Corporation and UEC Concentric Merge Corporation  
7

8 **IN THE UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF NEW YORK**

10 Westminster Securities Corporation,

11 Plaintiff,

12 vs.

13 Uranium Energy Corporation and UEC  
14 Concentric Merge Corporation,

15 Defendants.

Case No. 15 CV 04181 (VM)

**STIPULATION TO AMEND  
AFFIRMATIVE DEFENSES**

16 On March 30, 2017, the parties, through their respective counsel, participated in a  
17 telephonic pre-motion conference with the Court, with respect to Defendants' intention to file a  
18 motion for summary judgment and Plaintiffs' intention to file a motion to dismiss certain  
19 affirmative defenses set forth in the Defendants' answers filed herein, pursuant to Section  
20 II(A)(2) of the Court's Individual Practices. During said telephonic conference, the Court  
21 reviewed the existing state of the pleadings, the parties' summaries of the proposed motions and  
22 responses thereto, and arguments of counsel, and indicated its likely rulings in the event such  
23 motions were filed. Based upon the Court's indicated rulings, and in lieu of the filing of such  
24 motions, Plaintiffs and Defendants, by and through their attorneys, hereby stipulate and agree as  
25 follows:  
26

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DATE FILED: 5/8/17

1. Defendants do not intend to file a motion for summary judgment herein.

2. That Defendants' Answers filed herein are amended as follows:

(a) Defendants' Fourth and Fifth Affirmative Defenses are withdrawn;

(b) Defendants' Second Affirmative Defense is amended to read: "As and for their second affirmative defense, Defendants allege that the replacement warrants issued by UEC expired by their terms on December 31, 2012, upon the failure by Plaintiffs to timely exercise their rights under the Concentric warrants or the UEC replacement warrants."

(c) Defendants' Tenth Affirmative Defense is withdrawn.

3. This stipulation is without acknowledgement by Plaintiffs that Defendants' affirmative defenses are meritorious, and without prejudice to the filing by (i) plaintiffs of any motion to dismiss any Affirmative Defense, as pleaded or re-pleaded; (ii) any party of motions in limine; or (iii) any party of a motion to seek leave to further amend the pleadings herein.

DATED this 5<sup>th</sup> day of May, 2017.

**LAW OFFICES OF KENNETH A. ZITTER**

s/ Kenneth A. Zitter

Kenneth A. Zitter

Attorney for Plaintiffs

**HUGHES HUBBARD & REED LLP**

s/ John Fellas

John Fellas

Attorneys for UEC Defendants

**DICKINSON WRIGHT PLLC**

s/ Michael S. Rubin

Michael S. Rubin

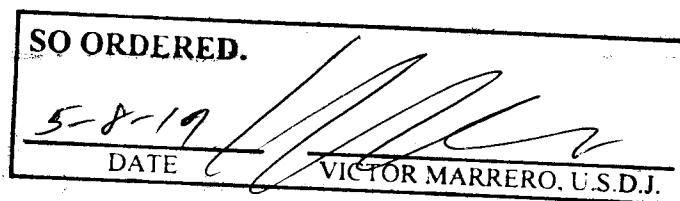
Charles S. Price

Attorneys for UEC Defendants

1 **ORIGINAL** filed this  
2 5<sup>th</sup> day of May 2017.

3 By: s/ Lynn Jones

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5 PHOENIX 55243-2 367342v1

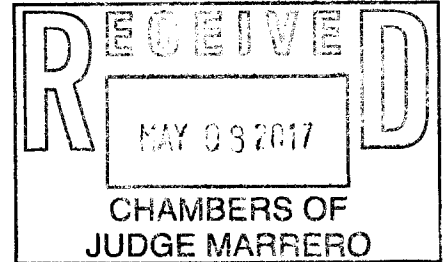




1850 NORTH CENTRAL AVENUE, SUITE 1400  
PHOENIX, AZ 85004-4568  
TELEPHONE: (602) 285-5000  
FACSIMILE: (844) 670-6009  
<http://www.dickinsonwright.com>

MICHAEL S. RUBIN  
MRubin@dickinsonwright.com  
(602) 285-5008

May 5, 2017



**VIA U.S. MAIL & FACSIMILE (212) 805-6382**

Honorable Victor Marrero  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

Re: Westminster Securities Corp., et al. v. Uranium Energy Corp. et al.  
Case No. 1:15-cv-04181-VM


Dear Judge Marrero:

This firm is counsel for the Defendants in the above-captioned matter. Pursuant to the Court's minute entry dated March 30, 2017, the Court directed the parties to advise the Court by April 30, 2017 whether they could agree on a stipulation regarding the withdrawal and/or consolidation of affirmative defenses and whether defendants intended to file a motion for summary judgment. The Court subsequently granted an extension for the submission of a status report concerning that matter to May 5, 2017.

The parties have agreed upon a stipulation regarding the matters referred to above, a copy of which is attached hereto. It is our understanding that the stipulation need not be filed in the ECF system, but we will do so if the Court so directs. In any event, the issues raised in the pre-motion conference held on March 30, 2017 have now been resolved.

Very truly yours,

DICKINSON WRIGHT PLLC

By 

Michael S. Rubin

Honorable Victor Marrero  
May 5, 2017  
Page 2

MSR:tlf  
cc: Kenneth A. Zitter, Esq.

Enclosure

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